

Message

From: Kupchan, Simma [Kupchan.Simma@epa.gov]
Sent: 6/24/2020 7:37:19 PM
To: Chemerys, Ruth [Chemerys.Ruth@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Hurlid, Kathy [Hurlid.Kathy@epa.gov]
CC: Wade, Alexis [Wade.Alexis@epa.gov]
Subject: RE: Draft response to Region 10 RTOC for review

Sorry – been digging into a separate issue; will respond soon.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Sent: Wednesday, June 24, 2020 3:30 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Wade, Alexis <Wade.Alexis@epa.gov>
Subject: FW: Draft response to Region 10 RTOC for review

Karen-

I wasn't sure if Simma was still planning to send any further edits, based on her email this morning.

If not, just checking here with Mindy and Kathy if any further comments.

Ruth

From: Gude, Karen <Gude.Karen@epa.gov>
Sent: Wednesday, June 24, 2020 3:23 PM
To: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: Draft response to Region 10 RTOC for review

Hi Ruth,

Thank you. I just want to confirm that OWOW wants to respond with the following. If so, I'm happy to follow up with Region 10 on this response to the RTOC members. If the RTOC has specific questions on the FRN, I would prefer that they reach out to someone on the program staff, as I am not the subject matter expert. I've included Kathy as a contact below, per the FRN. I'm happy to assist if any additional questions re: consultation come up.

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Thanks,

Karen Gude
Tribal Program Coordinator
U.S. EPA/Office of Water
Phone: (202) 564-0831

From: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Sent: Wednesday, June 24, 2020 2:41 PM
To: Gude, Karen <Gude.Karen@epa.gov>
Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: Draft response to Region 10 RTOC for review

Karen-

Re your question about a contact on this particular issue: Kathy and I suggest that you be the point of contact to coordinate with Region 10 and the RTOC, if okay with you. We'll of course help with any additional follow-up, in coordination with Alexis and Simma.

Thanks for your help.

Ruth

From: Gude, Karen <Gude.Karen@epa.gov>
Sent: Wednesday, June 24, 2020 9:31 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: RE: Draft response to Region 10 RTOC for review

Thanks, Simma. The consultation policy is attached. A few key portions:

-
-
-

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Thanks,

Karen Gude
Tribal Program Coordinator
U.S. EPA/Office of Water
Phone: (202) 564-0831

From: Kupchan, Simma <Kupchan.Simma@epa.gov>

Sent: Wednesday, June 24, 2020 9:16 AM

To: Gude, Karen <Gude.Karen@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

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If Alexis and others agree, we could say something along the lines of

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Simma Kupchan
EPA Office of General Counsel

Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Gude, Karen <Gude.Karen@epa.gov>

Sent: Wednesday, June 24, 2020 8:33 AM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

Subject: RE: Draft response to Region 10 RTOC for review

Simma, Thank you.

All, I would just note that the response doesn't address the RTOC's initial question about whether/when EPA would consult on this action. I can send the note below with the additional edit to R10 staff to distribute to the R10 tribes. Please let me know which contact should be listed for additional question on the FRN.

Thank you,

Karen Gude
Tribal Program Coordinator
U.S. EPA/Office of Water
Phone: (202) 564-0831

From: Kupchan, Simma <Kupchan.Simma@epa.gov>

Sent: Wednesday, June 24, 2020 8:20 AM

To: Gude, Karen <Gude.Karen@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

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Sorry; thought a bit more and suggest

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Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Gude, Karen <Gude.Karen@epa.gov>

Sent: Wednesday, June 24, 2020 8:07 AM

To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

Subject: RE: Draft response to Region 10 RTOC for review

Kathy,

Thank you for clarifying this.

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Karen

From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>

Sent: Tuesday, June 23, 2020 4:25 PM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

Cc: Gude, Karen <Gude.Karen@epa.gov>

Subject: RE: Draft response to Region 10 RTOC for review

Yes, the idea Mindy is that

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From: Kupchan, Simma <Kupchan.Simma@epa.gov>

Sent: Tuesday, June 23, 2020 4:22 PM

To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>

Subject: RE: Draft response to Region 10 RTOC for review

This seems fine to me. Thanks.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>

Sent: Tuesday, June 23, 2020 3:55 PM

To: Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>

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In the last paragraph:

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Ex. 5 Deliberative Process (DP) Other than that, it seems fine to me and is this something Karen would normally send?

Mindy Eisenberg
Associate Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4504T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Chemerys, Ruth <Chemerys.Ruth@epa.gov>

Sent: Tuesday, June 23, 2020 2:28 PM

To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>

Subject: RE: Draft response to Region 10 RTOC for review

Mindy et al -

Just following up to see if you'd had a chance to review the draft response and have any comments? Also, what are your thoughts on who should send the response?

Thanks!

Ruth

From: Chemerys, Ruth

Sent: Friday, June 19, 2020 3:09 PM

To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>

Subject: Draft response to Region 10 RTOC for review

Mindy, Alexis and Simma:

Per discussion with Karen, Kathy and Mike, below is a draft response to the issue raised by the

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Thanks to Karen for helping to draft the response. We don't know who would send the response, so left that for your decision.

In the interest of time, I'm asking Alexis and Simma to review concurrently with Mindy, and share with your management as appropriate. Let us know if you have any comments. (I know Alexis and Simma are out today, so hopefully they can review on Monday)

Thanks!

Ruth & Kathy

Dear Region 10 RTOC members,

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Ruth Chemerys

EPA Office of Water

Office of Wetlands, Oceans & Watersheds

1200 Pennsylvania Ave. NW, 4503-T

Phone: 202-566-1216

Fax: 202-566-1437